

Senate Bill 139

By: Senators Seabaugh of the 28th, Hill of the 32nd, Williams of the 19th and Harbison of the 15th

AS PASSED

AN ACT

To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, so as to limit liability and damages in certain circumstances; to provide for limited liability for certain liquefied petroleum gas providers; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for torts, is amended by adding at the end thereof a new Code section, to be designated Code Section 51-1-51, to read as follows:

"51-1-51.

(a) As used in this Code section, the term:

(1) 'Liquefied petroleum gas equipment' means a liquefied petroleum gas appliance or liquefied petroleum gas equipment.

(2) 'Liquefied petroleum gas provider' means any person or entity engaged in the business of supplying, handling, transporting, or selling at retail liquefied petroleum gas in this state.

(b) A liquefied petroleum gas provider shall be immune from civil liability if the proximate cause of the injury or damages was:

(1) An alteration, modification, or repair of liquefied petroleum gas equipment that could not have been discovered by the liquefied petroleum gas provider in the exercise of reasonable care; or

(2) The use of liquefied petroleum gas equipment in a manner or for a purpose other than that for which the liquefied petroleum gas equipment was intended to be used or for which could reasonably have been foreseen, provided that the liquefied petroleum gas provider or the manufacturer of the liquefied petroleum gas equipment has taken

reasonable steps to warn the ultimate consumer of the hazards associated with foreseeable misuses of the liquefied petroleum gas equipment.

(c) Nothing in this Code section shall be construed as affecting, modifying, or eliminating the liability of a manufacturer of liquefied petroleum gas equipment or its employees or agents under any legal claim, including but not limited to product liability claims.

(d) This Code section shall apply to any cause of action arising on or after July 1, 2005."

SECTION 2.

This Act shall become effective on July 1, 2005, and apply only to causes of action arising on or after July 1, 2005. Any cause of action arising prior to July 1, 2005, shall continue to be governed by the laws in effect at the time such cause of action arose.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.